

## **REMARKS**

This responds to the non-final Office Action mailed on December 19, 2006. Claims 2, 3, and 5-12 are currently pending. In view of the following remarks, as well as the foregoing amendments, Applicants submit that this application is in complete condition for allowance in this regard.

### **Double Patenting Rejection**

Claims 10-12 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 10 of U.S. Patent No. 7,150,550. Applicants submit herewith a Terminal Disclaimer for obviating this rejection.

### **Transitional After Final Practice**

Applicant does not agree with the assertion in the Office Action that this application is eligible for the transitional procedure of 37 CFR §1.129(a). Specifically, the present application was filed on September 20, 2004. Consequently, the present application cannot have “been pending for at least two years as of June 8, 1995,” as required by 37 CFR § 1.129(a). Corrective action is requested.

### **Conclusion**

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this

effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants do not believe fees are dues in connection with filing this communication other than a terminal disclaimer fee. If, however, any petition or additional fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,  
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